

sector 118

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

13

Application Number	09/768,658
Filing Date	January 23, 2001
First Named Inventor	Jeremy A. Kenyon et al.
Group Art Unit	2152
Examiner Name	Not yet assigned
Total Number of Pages in This Submission	13
Attorney Docket Number	41018.P009

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> <li>1. Return Receipt Postcard.</li> <li>2. Signed declaration/POA (4 pages)</li> <li>3. Check #5015 in the amount of \$65.00 for Missing Parts Fee (small entity)</li> <li>4. Copy of Notice to File Missing Parts (1 page)</li> <li>5. Copy of Deposit Account Monthly Statement (1 page)</li> </ul>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Remarks
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Aloysius T.C. AuYeung # 36, 432 COLUMBIA IP LAW GROUP, PC
Signature	<i>Robert A. Diehl</i> Robert A. Diehl, 40,992 for
Date	May 8, 2001

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

Typed or printed name	Michelle J. Turner
Signature	<i>Michelle J. Turner</i>
Date	5/8/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 65.00)

## Complete if Known

Application Number	09/768,658
Filing Date	January 23, 2001
First Named Inventor	Jeremy A. Kenyon
Examiner Name	Not yet assigned
Group Art Unit	2152
Attorney Docket No.	41018.P009

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 501569

Deposit Account Name Columbia IP Law Group, PC

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:
 Check  Credit Card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00)

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	X	=
Independent Claims	-3** =	X	=
Multiple Dependent			=

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in Excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0.00)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 65.00)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Aloysius T.C. AuYeung	Registration No. (Attorney/Agent)	35,432	Telephone	503-534-2800
Signature	Robert A. Diehl	Robert A. Diehl 40,992 for		Date	5/8/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Jeremy A. Kenyon et al.

Application No.: 09/768,658

Filed: January 23, 2001

For: Asynchronous Software Update



Examiner: Not yet assigned

Art Group: 2152

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed Commissioner for Patents, Washington, DC 20231 on:

Date of Deposit: MAY 8, 2001Name of Person Mailing: MATTHEW TURNERSignature: [Signature] Date: 5.8.01

Box MISSING PARTS  
Commissioner for Patents  
Washington, DC 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION (FILING DATE GRANTED)**

Sir:

Enclosed for filing in the above-referenced patent application in response to the Notice to File Missing Parts of Nonprovisional Application dated March 8, 2001 are the following:

- (1) A check in the amount of **\$65.00 (small entity)** in payment of the surcharge of 37 C.F.R. § 1.16(e); .
- (2) A duly executed Declaration and Power of Attorney; and
- (3) A copy of the Notice to File Missing Parts;

Please note applicant's deposit account was charged the incorrect amount of fees in regards to this application. As reflected on the originally filed paperwork, applicant is considered a small entity. The fees charged to our deposit account #501569 were large entity fees totalling \$862.00 (\$710.00 basic filing fee; \$72.00 for 4 (four) claims in excess of 20 and \$80.00 for 1 (one) claim in excess of 3 independent claims). The amount which should have been charged for small entity fees totals \$431.00 (\$355.00 basic filing fee; \$36.00 for 4 (four) claims in excess of 20 and \$40.00 for 1 (one) claim in excess of 3 independent claims). **Therefore, applicant requests a credit in the amount of \$431.00. A copy of our monthly deposit account statement is enclosed for your reference.**

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 501569. A Fee Transmittal is enclosed in duplicate for fee processing purposes.

Respectfully submitted,  
COLUMBIA IP LAW GROUP, LLC

Dated: 5/6, 2001

*Robert O. Riehl, Robert A. Diehl, for*  
Aloysius T.C. AuYeung  
Registration No. 35,432  
*40,992*

4900 SW Meadows Road, Suite 109  
Lake Oswego, Oregon 97035  
503-534-2800



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/768,658	01/23/2001	Jeremy A. Kenyon	41018.P009

000025943  
COLUMBIA IP LAW GROUP, LLC  
4900 SW MEADOWS ROAD, SUITE 109  
LAKE OSWEGO, OR 97035



CONFIRMATION NO. 3790  
FORMALITIES LETTER



\*OC000000005838995\*

Date Mailed: 03/08/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice MUST be returned with the reply.*

*Zenobie A. L.*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/14/2001 HMOHAMM1 00000038 09768658

01 FC:205

65.00 DP



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.

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Washington, D.C. 20231

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501569
Date
3-30-01
Page
1

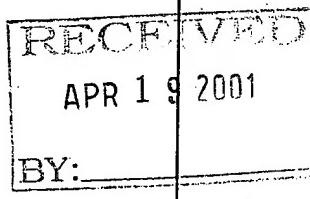
COLUMBIA IP LAW GROUP LLC  
JUDY HROMYKO  
4900 SW MEADOWS ROAD  
SUITE 109  
LAKE OSWEGO OR 97035



FINA

PLEASE SEND REMITTANCES TO:  
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Chicago, Ill. 60673

DATE POSTED		CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.					
3	1	01	3	09744780	41031.P006	704 GMI -448.00	2049.00
3	7	01	29	09768658	41018.P009	101 WT 710.00	1339.00
3	7	01	30	09768658	41018.P009	102 WT 80.00	1259.00
3	7	01	31	09768658	41018.P009	103 WT 72.00	1187.00
3	7	01	46	09796810	41018.P012	201 WT 355.00	832.00
3	7	01	47	09796810	41018.P012	203 WT 9.00	823.00
3	7	01	48	09796811	51026.P003	201 Rule 355.00	468.00
3	7	01	49	09796811	51026.P003	203 Rule 126.00	342.00
3	7	01	50	09796811	51026.P003	202 Rule 120.00	222.00
3	21	01	77	09811226	41023.P002	201 Wandering 355.00	133.0000D
3	21	01	205	PCT/US01/08600	51001.P0034 PCT	704 Zair -164.00	31.00
3	22	01	105	PCT/US01/08708		704 -164.00	195.00
3	30	01	335	SERVICE CHARGE		608 25.00	170.00



AN AMOUNT SUFFICIENT TO  
COVER ALL SERVICES REQUESTED  
MUST ALWAYS BE ON DEPOSIT.

OPENING BALANCE  
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TOTAL CHARGES  
2207.00

TOTAL CREDITS  
776.00

CLOSING BALANCE  
170.00